

Remarks

I. Claim Status

Claims 1-18 are currently pending. Claims 1 – 17 are rejected under 35 U.S.C. 112, first paragraph, claim 13 is rejected under 35 U.S.C. 112, second paragraph, and claim 6 is objected to. Claims 1 and 13 are amended herewith. Claims 15 and 17 are canceled. Claim 18 is added. No new matter is added.

II. Rejections Under 35 U.S.C. §112

Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as not being enabled. The Examiner asserts that the optical properties of the mixture must be adjusted to have a least one of the refractive indices below the refractive index of the silica, but these optical properties are not included in the claims and not enabled by the disclosure.

In response, claim 1 has been amended in order to set forth that the low refractive index additive (c):

- i) is capable of modifying dielectric anisotropy, conductivity and viscosity of the mixture; and
- ii) has a refractive index that is lower than the ordinary refractive index of the liquid crystalline mixture so as to decrease and adjust the ordinary refractive index of said mixture below the refractive index of silica.

Support for this amendment can be found in original claims 13, 15 and 17 and at page 15, lines 4 – 12 of the specification.

New claim 18 also sets forth a mixture having a refractive index below the refractive index of silica. Support for this amendment can be found in original claims 1, 15, and 17.

Amended claim 1 and new claim 18 are enabled. The teachings in the specification would enable those skilled in the art to make and use the claimed invention. No further information would be required by those skilled in the art beyond the information disclosed in the present specification.

In view of the restriction regarding the definition of the additive (c) in claim 1, claim 13 has been amended and claims 15 and 17 have been cancelled to avoid redundancy.

The Examiner objects to the terminology “relative low viscosity” in claim 1, stating that the use of the relative term renders the claim indefinite. Applicants respectfully traverse; the use of a non-numerically precise term does not in and of itself make a claim indefinite. Descriptive terms are commonly used in patent claims to “avoid a strict numerical boundary to the specified parameter,” (*Ecolab Inc. v. Envirochem, Inc.*, 264 F.3d 1358, 1367, 60 USPQ2d 1173, 1179 (Fed. Cir. 2001), *quoting Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211, 1217, 36 USPQ2d 1225, 1229 (Fed. Cir. 1995)). However, to expedite prosecution, the word “relative” has been eliminated from claim 1.

Even though not specifically requested, the specification has been amended at page 9, paragraph 39 to conform to the invention called for in amended claim 1.

Claim 13 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite. The Examiner contends that component (c) is an additive having a relative low viscosity, which is confused with the optical properties cited in claim 13. Claim 13 has been amended. The amendment eliminates the term that was the subject of the rejection and the rejection is now believed to be moot.

The Examiner's objection to claim 16 as set forth in paragraph 16 of the Action, has been addressed. This appears to have been the result of a typographical error. The listing of claim 16 contains the correct wording and should therefore be accepted.

III. Objections to the Drawings

The Examiner has objected to the drawings because the drawing labels differ from the drawing identification in the specification. The Examiner has also objected to the text on page 11 of the specification which is missing part of the labeling.

As requested in paragraph 1 on page 2 of the Office Action, Figures 3a-c, 4a-4b and 5a-c have been amended in order to label all the figures. Substitute drawings, labelled in conformation with 37 CFR §1.85, for Figures 3a-c, 4a-4b and 5a-c, accompany this response and are illustrated therein in the same way as they are labelled in the specification.

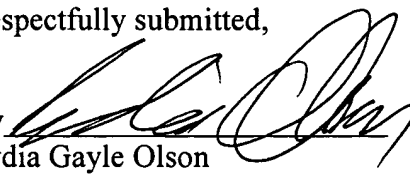
The description of Figures 4a-b, 5a-c and 6a-c of the drawings on page 11 of the specification has also been amended in order to address the Examiner's objection to this part of the specification, as set forth in the first part of paragraph 1 on page 2 of the Action.

IV. Conclusion

In view of the above amendments and arguments, this application is believed to be in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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Amendments to the DRAWINGS

Please replace the second, third, fourth and fifth sheets of the drawings presently on file containing Figures 3A to 6C by the replacement sheets enclosed herewith, wherein the Figures have been re-identified as Figures 3a to 6c, respectively, for the purpose of consistency with the wording of the specification. No new matter has been added by these drawings.

Attachment: 4 replacement sheets